

Serial No. 09/374,967
Group Art Unit: 1638

REMARKS / ARGUMENTS

Reconsideration of the present application is respectfully requested.
Claims 5, 9-10, 12, 23, 32, 41-45, and 77-81 are pending in the application.
Claims 5, 9-10, 12, 23, 32, 41-45, and 77-81 are rejected.

Claim 77 has been amended. Claims 78 and 81 have been cancelled.

No new matter has been added to the claims by way of the amendment. It is respectfully requested that the amendments be entered.

Rejections under 35 U.S.C. §112

Rejections under 35 USC §112, first paragraph

Claims 5, 9-10, 12, 23, 32, 41-45, 77-78 and 81 are rejected under 35 USC §112, first paragraph because the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with the claims.

The Office Action asserts: "The specification does not teach the critical amino acids for maize GDP-mannose pyrophosphorylase and does not teach which amino acids can tolerate substitutions."

Claim 77 has been amended to remove parts a) and d) which read, respectively: "... a nucleotide sequence encoding a maize polypeptide having GDP-mannose pyrophosphorylase activity;" and: "... a nucleotide sequence having at least 90% identity to a nucleotide sequence of a), b), or c) having GDP-mannose pyrophosphorylase activity." It is believed the amendment obviates the rejection.

Claims 78 and 81 have been cancelled. It is believed the cancellation of the claims places the current claims in condition for allowance.

Claims 5, 9-10, 12, 23, 32, 41-45, 77-78 and 81 are rejected under 35 USC §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the

Serial No. 09/374,967
Group Art Unit: 1638

relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The Office Action asserts: "... written description requires structural and functional description, and ... [t]he specification does not describe the structural features, (i.e., sequence) of a nucleic acid that encodes other maize GDP-mannose pyrophosphorylases or nucleic acids that have 90% identity to SEQ ID NO:1 and encode a GDP-mannose pyrophosphorylase."


Claim 77 has been amended to remove parts a) and d) which read, respectively: "... a nucleotide sequence encoding a maize polypeptide having GDP-mannose pyrophosphorylase activity;" and: "... a nucleotide sequence having at least 90% identity to a nucleotide sequence of a), b), or c) having GDP-mannose pyrophosphorylase activity." It is believed the amendment obviates the rejection.

Claims 78 and 81 have been cancelled. It is believed the cancellation of the claims places the current claims in condition for allowance.

CONCLUSION

On the basis of the above amendments and remarks, reconsideration of the application and its allowance are respectfully requested.

Respectfully submitted,


Kathryn K. Lappegard
Agent for Applicant(s)
Registration No. 46,857

PIONEER HI-BRED INTERNATIONAL, INC.
Corporate Intellectual Property
7100 N.W. 62nd Avenue
P.O. Box 1000
Johnston, Iowa 50131-1000
Phone: (515) 253-5707
Facsimile: (515) 334-6883

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